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BOOKS, ONLINE, OR CD-ROM? WHICH TO USE WHEN RESEARCHING A LEGAL QUESTION

by Yolanda Jones

A wide variety of electronic resources are available for legal researchers today. LEXIS and WESTLAW (database services which provide the full text of cases, statutes, regulations, newspapers, etc.) are the two major online services in the field of law. Many CD-ROM databases are also available. Often law students will hear about LEXIS and WESTLAW during their first year, or will take the introductory training and think—I'll Never Have To Touch Another Book Again! Nothing could be further from the truth.

The fact of the matter is that there are some types of legal research which are more suited to printed research materials and others which are suitable for searching in an electronic format. If material can be found both in print and online, which do you use? This is not always an "either - or" decision. I often go to both online and print resources when researching a complex research question. The following tips can help you make an informed decision:

USE PRINT WHEN

1) You do not have access to online resources. This might seem at bit obvious, but it should be pointed out that many new attorneys who work for themselves or for small firms cannot afford the expensive online services.

2) You want to get an overview of a subject area. The more exact you are, the better online searching works. Those who go online with a general subject in mind, or only a vague idea of what they are looking for tend to get either too few or too many matches to their

search term.

It is probably better to read a nutshell, hornbook, or a good law review article to get a general overview of an issue. Be on the lookout for terms which you can use in a later, more precise online search. Also, browsing in a printed index may turn up material which, although not under the subject terms you started with, are relevant to your research problem. In an online search, what you enter is what you get.

3) There is a printed resource which specializes in providing quick access to the type of information you are seeking. Many people do not realize that there are often books which, because of their arrangement or content, can retrieve relevant information faster than any online search. For example, searching a printed annotated code for cases which interpret a statute can be quicker and more efficient than searching online.

4) The material you are researching is not covered by electronic resources. Although more and more sources are being distributed via online services and CD-ROM, computer databases do not cover everything. They can

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be limited in subject content and in the time period covered. You might have difficulty finding a database specifically covering poverty law, but find several databases on federal income taxation.

Older cases are constantly added to LEXIS and WESTLAW, but many state case law databases do not include the oldest cases. For example, the Indiana Supreme Court database in LEXIS (library-IND; file-IND) goes back to 1934, and its WESTLAW counterpart, IN-CS starts coverage in 1933. To search for and retrieve earlier cases you must use printed sources. The *Index to Legal Periodicals* in print can be researched back past the turn of the century. However its database format (mentioned in the section below) only starts with the early 1980's. Many fulltext journals and newspaper databases also started in the early eighties. Unfortunately, this type of information is not readily apparent when you access a LEXIS database. Before you do a LEXIS and WESTLAW search, be sure to check their database catalogs (available in the Permanent Learning Center) to determine any limitations the coverage of the database will place on your search result.

USE ELECTRONIC RESOURCES (ONLINE OR CD-ROM) WHEN

1) You are researching a specific issue, cite, or digest topic and key number. Online works best when you can narrow down your request to a statement like "is a school athletic program waiver of liability form valid?" However, because different words are often used by different people to describe the same situation, even a search using those words may miss crucial cases. I often run an initial search and if I see even one case on point I look up the West Topic and Key Number. I can then search WESTLAW for that number or numbers and be assured that I am not missing anything.

2) The printed version consists of many volumes or issues which are not cumulative and an up to date version is available online. For example, using a WESTLAW key number search can save you many tedious hours poring over individual printed West digests.

If you are researching a current issue (since the early 1980's), it makes a lot of sense to search journal article indexes, such as the *Index to Legal Periodicals* and the *Current Law Index* (both in print on the Indexes shelves in the reserve area) in an electronic format. This saves you from having to do the same search in many issues.

Both are available online and on CD-ROM. The *Current Law Index* is available at the LEGALTRAC terminal in the reserve area, as the LRI database in WESTLAW, and on LEXIS (library-lexref; file-iglind). The *Index to Legal Periodicals* on CD-ROM can be checked out at the Circulation Desk.

Using *Shepard's Citations* online is one of the most efficient and cost effective uses of online sources. To Shepardize a case, simply type "sh [cite]." No looking for missing supplements or trying to decipher cryptic abbreviations. Also, both online services allow you to go from a Shepard's entry directly to many of the cases listed.

3) There is a database which, because of the fields (parts of the electronic document) that can be manipulated, allows you to search for information difficult or impossible to compile with print sources. For example, both LEXIS and WESTLAW allow you to search for cases decided by certain judges or argued by certain attorneys. The Martindale-Hubbell database (on LEXIS in the MARHUB library, and on CD-ROM—check out from the Circulation Desk) allows you to do a search such as, "how many law firms in Indiana have over 50 attorneys." The printed volumes do not allow for researching such precise questions.

4) You have been unsuccessful using printed resources. If you started with printed legal research tools and have "hit a wall," online research can often get you started again. For example, sometimes no amount of brainstorming can result in the proper index term used by the Descriptive Word Index of a digest. An online search, however, may result in one relevant case which will provide the appropriate digest topic and keynumber.

These guidelines should help, but there are no clear-cut rules on whether a printed book or an online service must be used to answer particular types of questions. Remember that you can always ask a reference librarian if you are unsure which print or online sources might be relevant to your research.

A "SUPREME" CORRECTION

In last month's "First Monday in October" quiz I accidentally included the name of recently-retired Justice Harry Blackmun rather than his replacement, Stephen Breyer. I'm assuming since only two people mentioned it to me, perhaps I wasn't the only one not paying

attention. In any case, Stephen Breyer's first job out of law school was a clerkship for Supreme Court Justice Arthur Goldberg. I apologize for any confusion I may have caused.

Nonie Watt,
Head of Technical Service

BOOK OF THE MONTH

Yarbrough, Tinsley E. *John Marshall Harlan: Great Dissenter of the Warren Court*. New York: Oxford University Press, 1992. KF8745.H33 Y37 1992

In the history of the United States Supreme Court, there have been two justices with the same name—John Marshall Harlan. The first John Marshall Harlan served from 1877 to 1911, a thirty-four year tenure that ranks him among the longest serving justices. He was noted for his support of the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution, and his frequent dissents as the Supreme Court repeatedly restricted and repudiated Reconstructionist policies. He is probably best noted for his dissent in *Plessy v. Ferguson*, the case that legalized the "separate but equal"

racial policy. His grandson, the second John Marshall Harlan and the subject of this biography, was also noted for his frequent dissents. However, his dissents came during a time of great judicial activism during the era of Chief Justice Earl Warren. The second Justice Harlan served on the Supreme Court from 1955 to 1971, and during that time he wrote 613 opinions. Nearly half of these, 296 to be exact, were dissents. In spite of this role he played as a balance to the Court, his life has received little scholarly interest. This book is the first scholarly biography of the second John Marshall Harlan, and fills a gap in the history of the U.S. Supreme Court.

The book begins with a discussion of his family and his early life. But the heart, and most extensive coverage of the book, starts with Harlan's nomination and confirmation, first to the U.S. District Court, and shortly thereafter to the U.S. Supreme Court. The author discusses Harlan's relationship with the other members of the Supreme Court, particularly with Felix Frankfurter (who he agreed with most of the time), and Hugo Black (who he disagreed with most of the time). In spite of this, Harlan and Black became good friends. Yarbrough also discusses the issues and famous cases that were argued before the Supreme Court during this time, and Harlan's role in trying to provide some balance to what he perceived as the excesses of the Court. It is interesting to note that Hugo Black and John

The Suggestion Box

(Each month in this space Associate Director Linda Fariss replies to suggestions received by the Library)

Suggestion: Though outside your jurisdiction, do you know what's up with all the plastic plants in the lobby area of the Law School?

Response: Since this is, indeed, outside the jurisdiction of the Library, Assistant Dean Art Lotz agreed to respond to this suggestion. Here is his explanation:

"The Law School had a contract with a local business to take care of the lobby plants. We were not satisfied with their service because several of the plants have died. We cancelled our contract and rather than go back to no plants at all, we decided to try the artificial plants."

By the way, the Library now has the remaining live plants and our staff is attempting to keep them alive.

Suggestion: The noise level near the Media Center on the 2nd floor. The students who have carrels near the Media Center are constantly disturbed by the loud talking. Have the workers in the Media Center and the students who use it to give those with carrels near the Center the same respect the rest of the Library receives.

Response: I agree that those carrel occupants deserve the same respect as other library patrons. Because this is an area where library services are provided, some talking is necessary in order to assist those using the computers. However, conversations should be kept to a minimum and people should talk softly. I will ask the staff in this area to be aware of this and try to contain the noise. If you notice a problem, please report it to a reference librarian and we will investigate the noise while it is occurring. Thank you for your suggestion.

Marshall Harlan resigned from the Court within two weeks of each other, both suffering from ill health. Black died 12 days after resigning, while Harlan died less than 4 months later.

I found this book to be very interesting in its discussion of Justice John Marshall Harlan and the U.S. Supreme Court during this time period. The view from one man and his disagreement with the direction the Court was taking, provides a balance to the activism of the Court. Sometimes the book became bogged down in the details of the cases, but overall I enjoyed the book and recommend it.

Michael Maben,
Cataloging Librarian

FEDERAL AGENCY DOCUMENTS ON CD-ROM

The National Economic, Social, & Environmental Data Bank (NESE) on CD-ROM contains information on key domestic topics in the United States related to public policy issues including the environment and natural resources, education, crime, public health, and major

economic indicators. It provides the full-text of over 65,000 documents including tables, reports, and periodicals from a variety of federal agencies ranging from the Department of Justice and General Accounting Office to the Department of Education and Census Bureau. NESE is updated on a quarterly basis. The retrieval program is structured as a hierarchy which leads the user from general to more specific information. It permits users to choose from several search options:

SOURCE: Search by the name of the federal agency that has contributed data to NESE.

TOPIC: Search by general topic or category using keywords.

PROGRAM: Search by specific program name such as *Economic Report of the President*.

To use NESE, ask for the disk at the Circulation Desk. To help you navigate NESE, you will find a user guide located in the looseleaf notebook at the CD-ROM workstation.

Marianne Mason,
Documents Librarian

LAW LIBRARY THANKSGIVING HOURS NOVEMBER 22 - 27, 1994

NOVEMBER 22	TUESDAY	7:30 a.m. - 6:00 p.m.
NOVEMBER 23	WEDNESDAY	9:00 a.m. - 5:00 p.m.
NOVEMBER 24	THURSDAY	CLOSED
NOVEMBER 25	FRIDAY	9:00 a.m. - 5:00 p.m.
NOVEMBER 26	SATURDAY	9:00 a.m. - 5:00 p.m.
NOVEMBER 27	SUNDAY	RESUME REGULAR HOURS

WORKING THE HALLS

Welcome to Keith Palmer, who will be working with the *Federal Communications Law Journal* and the *Global Legal Studies Journal*.

Happy November Birthday to:

Professor Jost Delbrück on November 3rd;
Professor Dan Conkle on the 10th;
Professor Doug Boshkoff on the 11th;

Dick Vaughan in the Library on the 12th;
Professor Tom Schornhorst on the 18th;
Professor Cathy Crosson on the 21st;
Katie Mason in the Development Office on the 23rd;
Dodie Bowman on the 2nd floor on the 26th; and
Angela Lieurance in the Development Office on the 28th.

Hope you all have a great day!!!